

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

11 AUBREY MICHAEL PICKERING, ) No. ED CV 12-01045-JVS (VBK)  
12 Petitioner, )  
13 v. ) ORDER ACCEPTING FINDINGS AND  
14 McDONALD, ) RECOMMENDATIONS OF UNITED STATES  
15 Respondent. ) MAGISTRATE JUDGE  
\_\_\_\_\_  
)

17 Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition  
18 for Writ of Habeas Corpus ("Petition"), the records and files herein,  
19 and the Report and Recommendation of the United States Magistrate  
20 Judge ("Report").

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**IT IS ORDERED** that: (1) the Court accepts the findings and recommendations of the Magistrate Judge, and (2) the Court declines to issue a Certificate of Appealability ("COA").<sup>1</sup>

DATED: May 3, 2013

JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." The Supreme Court has held that, to obtain a Certificate of Appealability under §2253(c), a habeas petitioner must show that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further'." Slack v. McDaniel, 529 U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct. 1029 (2003). After review of Petitioner's contentions herein, this Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right, as is required to support the issuance of a COA.